

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ROBERT A. STANNARD,

Plaintiff,

v.

DR. MARIA DYE, *et al.*,

Defendants.

Case No. C19-1400-RSM-MLP

ORDER GRANTING MOTION FOR
EXTENSION OF DEADLINE TO FILE A
RESPONSIVE PLEADING

This is a civil rights action brought pursuant to *Bivens v. Six Unknown Federal Narcotics Agents*, 403 U.S. 388 (1971). Plaintiff asserts in his amended civil rights complaint claims relating to the adequacy of the medical care he received while confined at FDC SeaTac in 2018. (Dkt. # 14.) On May 13, 2020, this Court issued an Order directing that Plaintiff's amended civil rights complaint be served on Defendants, and that Defendants respond thereto. (*See* Dkt. # 15.) When Defendants failed to timely respond, the Court reviewed the record and determined that the service materials may not have been sent to Defendants as previously ordered. Thus, on August 19, 2020, the Court issued an Order directing the Clerk to execute the Service Order. (Dkt. # 16.)

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1 On October 20, 2020, the Court received a motion from the United States requesting a
2 continuance of the deadline to file a responsive pleading on behalf of Defendants. (Dkt. # 19.)
3 The government explains therein that Defendants are, or were, federal employees acting within
4 the scope of their employment at times relevant to the allegations in the complaint, and that they
5 are currently awaiting a decision from the Department of Justice on their request for personal
6 representation. (*See id.*) The United States indicates that a decision with respect to Defendants'
7 request is expected within the next sixty days and it asks that the Court extend the deadline for
8 Defendants to file a responsive pleading to December 21, 2020. (*Id.*)

9 Plaintiff has not opposed the motion for extension of time. Plaintiff did, however,
10 recently submit to the Court for consideration a motion which he identifies as one for summary
11 judgment but which actually seeks entry of a default judgment against Defendants based upon
12 their failure to file a timely response to his amended complaint. (Dkt. # 24.)

13 Given the somewhat cumbersome process Defendants are required to navigate in order to
14 obtain personal representation in this matter, the Court concludes that it is appropriate to grant
15 Defendants the requested extension. This conclusion renders Plaintiff's request for a default
16 judgment moot. Plaintiff may renew his motion if Defendants fail to file a responsive pleading
17 by the date set forth below.

18 Based on the foregoing, the Court hereby ORDERS as follows:

19 (1) The motion of the United States for an extension of the deadline to file a
20 responsive pleading on behalf of Defendants (dkt. # 19) is GRANTED. Defendants shall file
21 their responsive pleading not later than ***December 21, 2020***.

22 (2) Plaintiff's motion for a default judgment (dkt. # 24) is STRICKEN as moot.

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1 (3) The Clerk is directed to send copies of this Order to Plaintiff and to the Office of
2 the United States Attorney for the Western District of Washington.

3 DATED this 13th day of November, 2020.

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5 MICHELLE L. PETERSON
6 United States Magistrate Judge
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